

need an organization that exists to help them identify their particular needs and implement effective character education programs.

The gentleman from Tennessee (Mr. CLEMENT) and I are introducing the Character Learning and Student Success Act. This legislation provides a grant to develop initiatives and disseminate up-to-date resource information about character education. It also funds a study that will examine whether or not character education programs are effective and sustainable.

Madam Speaker, character education not only cultivates minds, it nurtures hearts. I ask my colleagues to please join us in cosponsoring this bill.

AMERICAN HEART MONTH

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Madam Speaker, on this day devoted to matters of the heart, I remind my colleagues that February is American Heart Month. We recognize the millions of Americans today struggling with heart disease and recommit ourselves to helping them. And we acknowledge the efforts of organizations like the American Heart Association which help all of us prevent and treat heart disease.

The theme for Heart Month is "be prepared for cardiac emergencies." Each year more than 1 million Americans will suffer a heart attack. Too many of us are not even aware of the warning signs. And too many of us do not know what to do to help someone who has suffered a heart attack.

To that end, today I will reintroduce legislation, the Teaching Children to Save Lives Act, to encourage training in the classroom. This legislation will teach our children about the dangers of heart disease, how to prevent it, and how to respond in a cardiac emergency.

□ 1015

So I urge my colleagues to support this and other efforts to address the scourge of heart disease.

FEBRUARY, AMERICAN HEART MONTH

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, as has been mentioned, this is Valentine's Day, and it has been designated as American Heart Month.

As a member of the Congressional Heart and Stroke Coalition, I and others of my colleagues will continue to work to increase funding for the National Institutes of Health. I am pleased that for the past 2 years we have seen annual increases of 15 percent for NIH. The previous 2 years' funding increases for the NIH has translated into increases for the Institute of Neurological Disorders and

Stroke of \$138 million over fiscal year 1999, for a total of \$1.148 billion for the current fiscal year.

Eighty-one percent of Americans support increased Federal funding for heart research, and 78 percent support increased Federal funding for stroke research. Heart disease, stroke and other cardiovascular diseases remain this country's number one killer, causing nearly 960,000 deaths every year, and are a leading cause of long-term disability.

Cardiovascular disease has claimed more lives than the next seven leading causes of death combined. One in five Americans suffers from cardiovascular diseases. Heart disease is the number one killer in Maryland, stroke is the number three killer in Maryland, and this reflects the Nation.

Let us resolve on this Valentine's Day to remember what American Heart Month is about, to preserve the health of our loved ones.

RECOGNIZING FEBRUARY AS AMERICAN HEART MONTH

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Madam Speaker, today we recognize February as American Heart Month. I salute the American Heart Association and other noteworthy organizations' ongoing efforts to eliminate heart disease, which affects millions of Americans every year.

Cardiovascular diseases are the number one killer of women and men. These diseases currently claim the lives of more than half a million females every year.

The American Heart Association estimates that one in two women will eventually die of heart disease or stroke. African American women face a four times higher risk of dying before the age of 60.

Although cardiovascular disease is the leading cause of death among American women, studies show that women still do not recognize their risk, are unaware that their symptoms are different from men's, are less likely to seek treatment when faced with these symptoms, and are less likely than men to be referred for diagnostic testing and treatment by their physicians.

What does this say about our Federal health care system? It has not done enough to address women's healthcare needs.

I applaud the work that the Congress has done. It successfully passed legislation dealing with cardiovascular disease and stroke, but I would urge the 107th Congress to do more in the fight for heart disease research and funding and to ensure adequate health care access for all of our citizens.

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2001

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I

call up House Resolution 36 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 36

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 36 is an open rule providing for the consideration of H.R. 554, a bill to establish a program coordinated by the National Transportation Safety Board, to offer assistance to the families of passengers involved in rail passenger accidents.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Transportation and Infrastructure. The rule also provides that the bill shall be open for amendment by section at any point and authorizes the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for one motion to recommit, with or without instruction.

Madam Speaker, I rise in strong support of the bill before us, H.R. 554, the

Rail Passenger Disaster Family Assistance Act. This bill is substantially identical to legislation with the same name passed by voice vote in the 106th Congress on October 4, 1999. Unfortunately, that legislation was never taken up by the Senate before the adjournment of the 106th Congress.

Congress addressed a similar issue in 1996 by passing the Aviation Disaster Family Assistance Act of 1996. In response to the Value Jet and TWA 800 tragedies, Congress approved this measure to coordinate and distribute information to family members in an efficient and sensitive manner.

The next logical step for Congress to take is to extend the same service to families of victims of railroad disasters. The nature of tragedies is that they occur suddenly and without warning. The manner in which these situations are handled in the immediate hours and days following the incident are critical. Providing information quickly and accurately not only saves lives, but offers assurances to family members and loved ones.

In fact, just last week, on Monday, February 5, 2001, an Amtrak train carrying 98 passengers collided with a lumber freight train in my home State of New York. Fortunately the accident was not fatal, but there were sent to area hospitals several who were affected by the railroad incident due to serious injuries.

This is a poignant example of the need to synchronize search and rescue efforts with the dissemination of information to family members in the face of catastrophe.

This legislation establishes points of contact both within the National Transportation Safety Board and from an independent nonprofit organization in order to coordinate emotional care and support to family members, directly addressing the need to keep families informed.

Madam Speaker, I would like to commend the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their hard work on this measure.

I would also like to recognize the efforts of my colleague and western New York neighbor, the gentleman from New York (Mr. QUINN), the newly appointed chairman of the Subcommittee on Railroads.

Madam Speaker, I urge my colleagues to support this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule. The underlying bill is noncontroversial and was passed under

suspension of the rules last Congress by a voice vote.

The measure is intended to deal with the tragedy of rail accidents involving substantial on-board casualties. The key features of H.R. 554 include procedures to assure timely and sensitive handling of information needed by accident victims and their families. This information is coordinated among the National Transportation Safety Board, the rail passenger carrier, and a designated nonprofit charitable organization. The designated organization is in charge of providing necessary counseling services, ensuring a private venue for families to grieve, and assisting families in a variety of matters, including a possible memorial service.

The legislation also protects the victims and their families against unsolicited and intrusive contacts by attorneys in the immediate post-accident environment, when the families may be in shock and not emotionally capable of making sound decisions about possible legal redress. Moreover, the bill also ensures orderly preparedness by rail carriers for accidents by requiring comprehensive plans to be in place governing each carrier's procedures for handling post-accident information and family assistance.

Madam Speaker, again, I know of no controversy surrounding this measure.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, just in closing, today is a special day for my good friend, the gentleman from New York (Mr. QUINN), as he now chairs the Subcommittee on Railroads. I know how proud his mother and father are, as his father Jack, Sr., was a career railroader in the Buffalo area. So today I look forward to seeing the gentleman from New York (Mr. QUINN) bring this bill on as his first as a subcommittee chairman.

Mr. REYNOLDS. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 554.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety

Board, of assistance to families of passengers involved in rail passenger accidents, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. QUINN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

Mr. QUINN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, before I rise in support of our bill this morning, I would like to welcome the gentleman from Tennessee (Mr. CLEMENT) as my partner on the new Subcommittee on Railroads. As I think almost everyone in the House realizes this year, the Committee on Transportation and Infrastructure added a separate Subcommittee on Railroads.

The gentleman from Tennessee (Mr. CLEMENT) and I have been friends for quite some time on the full committee; and I am delighted to join with him this next term, the next couple of years, to bring legislation to the floor.

While we are not able to do commercial breaks here, I would like to offer to Mr. CLEMENT a copy of Stephen Ambrose's book entitled "Nothing Like It in the World," which talks about the men and the women who built the Transcontinental Railroad between 1863 and 1869, as a reference tool.

□ 1030

Having been an English teacher, I say to the gentleman, there will not be any quiz, but I have my own copy of this. As we work our way through those difficult, difficult subcommittee hearings of ours, we will find some time to remember why we do the work we do when we see how the people did it for us some century-and-a-half ago.

Mr. CLEMENT. Madam Chairman, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Madam Chairman, I thank the gentleman very much for his gift.

Mr. QUINN. Madam Chairman, I rise in support of the Rail Passenger Disaster Family Assistance Act, a commonsense bipartisan bill to address a gap in our current transportation laws.

The bill is substantially identical to H.R. 2681 approved by the Committee on Transportation and Infrastructure in the full House, I might add, in our last 106th Congress, but never acted upon by the other body in the Senate.

I am pleased that this is the first piece of legislation from our committee under our new chairman, the gentleman from Alaska (Mr. YOUNG). As chairman of the newly formed Subcommittee on Railroads, I strongly support the bill, and urge our colleagues to do the same.

Members may recall that several years ago after some terrible, terrible

incidents, most notably the 1996 ValuJet and TWA crashes, the families of crash victims were poorly treated by the carriers, the media, and by some lawyers.

The Congress responded by enacting an aviation law that placed the National Transportation Safety Board and suitable private charitable organizations in charge of coordinating efforts to protect the privacy of crash victims' families, and to assure that they receive the most current information possible from the carrier.

The law has been quite successful in improving the situation for crash victims' families. Since its enactment, it has been updated and expanded in 1997, and again in 1999.

Today, H.R. 554, this bill that the gentleman from Tennessee and I bring to the floor, is virtually a clone of that aviation law, but it is applied to rail passenger service, both intercity and high-speed rail.

Although Amtrak is currently the principal provider of intercity rail passenger service, a number of States are considering forming compacts to support their own bid for rail passenger services.

We understand that, Madam Chairman, necessarily this bill cannot track the aviation statute exactly. We understand that. For example, some passenger trains with unreserved open boarding situations will not have a definite passenger manifest sheet comparable to an airline passenger list. Generally, however, this bill follows the aviation model.

The National Transportation Safety Board is given the authority to invoke the procedures of the bill, including designating the NTSB Director of Family Support Services for the accident as a point of contact for all the families, and to act as liaison between the families and the passenger carrier.

The NTSB has also authorized a designated independent charitable organization, for example, the American Red Cross, for coordinating emotional care and support activities for the families. NTSB is also made primarily responsible at the Federal level for facilitating recovery and identification of victims, and providing relevant information to the same families.

The rail carrier itself in this bill is required to cooperate with the designated charitable organization to provide mental health and counseling services to the families, provide for a private grieving environment, to maintain contact with the families, and also to arrange any appropriate memorial service.

The NTSB is also required to give prior briefings to the families before public disclosure of any information about the accident. Unsolicited attorney contacts with the families or victims themselves, other than the railroad employees, are prohibited for 45 days following the accident.

To ensure that the rail and passenger carriers are prepared to implement the

law in the event of an accident, the bill requires each carrier to prepare a response plan and to submit that plan to the Department of Transportation and the NTSB within 6 months of enactment detailing how the carrier will carry out the specific family assistance obligations under the law.

Let me also note for the RECORD, Madam Chairman, that when the substantially identical bill was reviewed by the Congressional Budget Office, CBO stated in its estimate in August of 1999 that this legislation "would have no significant impact on the Federal budget."

As to intergovernmental mandates, CBO found that the bill would not require States to change laws or take action. There would be no significant State costs, and these or any costs involved would not meet the threshold minimum of the Unfunded Mandates Act reform.

The details of these evaluations, of course, are printed in the report of the predecessor bill on House Report 106-313. I urge prompt approval and careful consideration of a very bipartisan commonsense approach.

Madam Chairman, I reserve the balance of my time.

Mr. CLEMENT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to congratulate my good friend, my colleague, the gentleman from the great State of New York (Mr. QUINN), on becoming chairman of the Subcommittee on Railroads.

I want to also thank him for this wonderful book about building the transcontinental railroad. He knows that I am a big railroad buff, and I might say that my father-in-law, Noble Carson, was an old railroad employee from the old L&N Railroad in Nashville, Tennessee, where he retired. He is now deceased.

I am a former college president and I am a real historian anyway of the history of this country, and how we have been able to build that transcontinental railroad in just a few years. In this book, it describes how one can build a railroad in just a few years, so we ought to be able to do great things working together on a bipartisan basis on behalf of the Committee on Railroads and our colleagues in this great country.

Madam Chairman, I rise to express my support for the Rail Passenger Disaster Family Assistance Act of 2001. This legislation gives relatives of those injured or killed in railroad accidents the same rights as the families of airline disaster victims.

These families deserve the same sensitive treatment we afford to others following air disasters. What could be worse than having someone you love involved in a railroad disaster, only to find that there is no place to call for information, no one to explain whether one's husband, wife, son, or daughter was on that train, whether they were

injured or deceased, but instead having to wait for hours to get any word, and at the same time, being hounded by lawyers for a lawsuit.

This legislation addresses all of those issues. It calls for the rail passenger carrier to have a plan for providing and publicizing a toll-free number for families to call. The carrier must outline a process for notifying the families before notifying the public. This notification should be carried out in person, when possible.

This legislation ensures that families will be consulted about all remains and personal effects, to the best of the rail passenger carrier's ability. It says these possessions will be returned to the family unless needed for the crash investigation, and that unclaimed possessions will be held for 18 months.

Madam Chairman, this legislation gives the families of all passengers the right to be consulted about the construction by the rail passenger carrier of any monument for the disaster victims. It designates a point of contact person to act as a liaison for families. It provides for mental health and counseling services for family members, and it prohibits unsolicited communications concerning lawsuits.

These assurances extend to the families of the employees, as well as the passengers, as all deserve, compassionate treatment. Every time we put a loved one on a train in this country, we should feel confident that he or she is safe. Should a tragic accident occur, however, we have a right to know we will be informed, treated fairly, and helped through the process.

This legislation does just that. The Railroad Passenger Disaster Family Assistance Act offers the same treatment to families affected by rail disasters as we currently ensure for those affected by airline disasters. Legislating consistent treatment for both these groups is the fair thing and the right thing to do.

As an advocate of increased passenger rail alternatives for our traveling population, I feel very strongly that this legislation is exactly the type of framework we need in place to deal with unforeseen tragedies. While we work harder and invest more funds to prevent such rail incidents, we still must be prepared at all times to react appropriately and in a timely manner.

I am very pleased that this Congress is moving so quickly to pass H.R. 554. I urge our Senate colleagues to move quickly on passage so we can give this bill to President Bush as soon as possible.

Madam Chairman, I reserve the balance of my time.

Mr. QUINN. Madam Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from Tennessee (Mr. CLEMENT). I also would like to take this opportunity to thank the staff on our side and his side for preparing the legislation this morning.

While we will receive a lot of advice during the course of his term, in the next few years I am expecting advice from the gentleman and his staff, from my staff and others, but I am also expecting some advice from one Jack Quinn, Senior, back home in Buffalo, New York, who put in over 30 years at the South Buffalo Railroad, who will also offer me some advice, and offered me a little this morning already. He called to say that I need a haircut. As we go through this, I look forward to working with the gentleman from Tennessee.

Mr. OBERSTAR. Madam Chairman, I rise in strong support of H.R. 554, the Rail Passenger Disaster Family Assistance Act of 2001.

Although passenger trains are a very safe way for people to travel, even railroads sometimes have accidents that cause serious injuries and loss of life. When rail passenger accidents do happen, they can occur in relatively remote locations and/or in the middle of the night. Modern communications allow for the transmission of news of the event to travel around the nation only minutes after it happens. Families with relatives on board can only hope and pray that their loved ones were not among those killed or injured. In some cases, the families are not even certain whether their loved one was on the train that had the accident. The tragic accident at Bourbonnais, IL, in March 1999 that took the lives of 11 Amtrak passengers and injured 49 others was the most recent such tragedy.

At these times, it is imperative that the needs of the families of the accident victims be treated with as much compassion as possible and that their need for information about their loved ones be promptly and accurately addressed.

The purpose of this legislation is to help create a process that, at a minimum, does not make an already highly emotional situation even more traumatic for family members. It requires that all passenger railroads engaged in interstate transportation submit a plan to the Secretary of Transportation and the Chairman of the National Transportation Safety Board (NTSB) to address the needs of families of passengers involved in any railroad accident where there is major loss of life. The plan must address a number of key areas, including the publication of a reliable toll-free number to handle calls from family members, procedures for developing passenger lists, and a process for notifying family members. In addition, the plan must specify the ongoing obligations (such as the disposition of the traveler's personal effects) that the carrier has with respect to the information and services to be provided to the family members throughout the duration of the disaster.

In recognition of the need for a professional and reliable focal point to be responsible for interacting with family members, H.R. 554 provides that the Chairman of the National Transportation Safety Board will identify a Board employee to serve as the Federal Government's point of contact and serve as a liaison between the railroads and the family members. The bill further instructs the NTSB Chairman to designate an independent nonprofit organization that has experience with disaster relief efforts, such as the Red Cross or the Salvation Army, to be responsible for coordi-

nating the emotional care and support of the families of passengers involved in the accident. At such trying times, it is extremely important that families be handled by individuals and organizations experienced in providing compassionate assistance.

I would like to stress, however, that this legislation is not in response to any inaction or any inappropriate actions by Amtrak. Indeed, Amtrak has already adopted many of the elements called for in this bill, and Amtrak supports this bill that largely codifies its current practices. However, under the Amtrak Reform and Accountability Act of 1997, Amtrak is no longer the only railroad that can conduct interstate rail passenger operations. Since that law was enacted, a number of states have begun efforts to launch new conventional or high-speed rail passenger services. Therefore, we need to be prepared for a future of multiple rail passenger service providers.

One element of this bill I find particularly important is the prohibition against unsolicited communications by attorneys until 45 days following an accident. In times of tragedy, family members are especially vulnerable to the unscrupulous who would prey upon them. Only last week, an Amtrak passenger train rear-ended a CSX freight train just outside of Syracuse, NY. More than 60 people were injured, many of whom were physically challenged and traveling as a group. Along with the emergency responders, there were two men at the scene soliciting for legal work related to the accident. The men were handing out business cards and other material. This kind of shameless behavior is unethical; our bill would make it also illegal.

Although I am pleased that in its Statement of Administration Policy the Bush Administration supports passage of this important bill, I am concerned that the Administration indicates that it believes there may be First Amendment problems with this section of the bill (Section 2(g)(2)). To the best of my knowledge, the Administration has not contacted the Committee to outline the reasons for its concerns with the prohibition on unsolicited contact by attorneys after a rail accident. I hope that the Administration is aware of the 1995 Supreme Court decision in *Florida Bar v. Went For It, Inc.*, in which the Court ruled that the First Amendment did not prohibit the Florida Bar from prohibiting lawyers from sending targeted direct mail solicitations to victims and relatives for 30 days after an accident. I see no difference between this decision and the prohibition in our bill.

In addition, I hope the Administration is aware that, under current law, this same type of prohibition applies to unsolicited communications to families of the victims of airline crashes. In the Aviation Disaster Family Assistance Act of 1996, we recognized the importance of the need to provide families of aircraft accident victims with reliable information and compassionate treatment. I have spoken with aviation accident families and they have told me that the 1996 legislation has worked well in assisting families in the most difficult of times. During our consideration of that Act, the Association of Trial Lawyers of America wrote to the Committee regarding that Act's aviation disaster assistance provisions and stated, in relevant part:

* * * This legislation will lend much-needed support to the families of victims of airline disasters.

In particular, the Association strongly supports sec. 5. This provision states the sense of Congress that state bar associations should adopt rules prohibiting unsolicited contact concerning a legal action with victims or aggrieved families within 30 days of an accident. ATLA's longstanding Code of Contact goes even further, and entirely prohibits unsolicited contact, regardless of when the accident occurred. We believe that the 30 day time period you provide in the bill is a reasonable minimum period during which victims and their families should not be bothered against their will with the sometimes painful question of compensation.

However, we urge the committee to go further, by strengthening this bill to also prohibiting unsolicited contact by anyone concerning potential claims they or their loved ones may have. Until a family decides to consider its options with regard to compensation, no party should take advantage of them during this delicate emotional time.—(Association of Trial Lawyers of America, September 10, 1996)

I applaud the Association of Trial Lawyers and the many State Bar Associations that have supported our efforts to stop this unethical conduct. I look forward to working with the Administration to address any new concerns that it has.

We have provided some solace to the families of victims of aviation disasters. We should do no less for those who choose to ride our nation's passenger trains.

Mr. RAHALL. Madam Chairman, I am pleased to support the Rail Passenger Family Assistance Act. This bill should be enacted into law because it is the honorable thing to do. In the 106th Congress, I cosponsored a similar bill, H.R. 2681, which the House passed on October 4, 1999, by voice vote, but the Senate did not act on the bill. I look forward to a different outcome this year.

We all hope and pray that our constituents will get to their destinations safely while traveling. But the harsh reality is that sometimes tragedies do occur. Sometimes a plane or train crashes, causing a major loss of life.

In times like these, when families face the shock and pain of losing a loved one, the least we can do is provide every possible consideration to them, including grief counseling and general emotional support, ensuring their privacy, and helping them to arrange a fitting memorial service.

After the Valujet and TWA 800 airplane tragedies in 1996, this type of family assistance was established for the families of loved ones lost in airplane crashes, but such services do not exist for families of those lost in interstate and intercity rail passenger service.

While Amtrak has established an informal family-assistance program, there is no federal law requiring these services for families of victims of railroad disasters. In addition, because the 1997 Amtrak Reform and Accountability Act mandated competition in intercity rail passenger service, Amtrak will no longer be the sole rail carrier. New rail carriers will be established to compete with Amtrak. Such competition demonstrates the need for the Federal Government to enact a family assistance program.

Under the Rail Passenger Disaster Family Assistance Act that we are considering today, a program will be established modeled after the program that was established for families of victims of airline disasters.

The National Transportation Safety Board (NTSB) will designate one of its employees to

be the contact person within the Federal Government with victims' families. That person's name and telephone number will be published, and the person will be the liaison between the victims' families and the rail carrier.

The NTSB will then designate an independent disaster-assistance organization, such as the Red Cross, to focus on the emotional needs of the families: providing grief counseling and a private place in which to grieve, helping them to arrange memorial services and funeral arrangements, and preventing contact by lawyers, or their agents, for 45 days after the tragedy, in order to help families to begin the healing process before taking any possible legal action.

It is my hope that our constituents across the Nation will get to their destinations safely when traveling by interstate or intercity rail, whether it be the Amtrak Cardinal Line which passes through West Virginia between Huntington and White Sulphur Springs, or any other carrier anywhere in the Nation. However, when a rail tragedy does happen, we must provide every possible consideration to victim's families to help them through the tragedy. This bill does that.

Finally, the Rail Passenger Disaster Family Assistance Act will have no significant impact on the Federal budget, based on the Congressional Budget Office estimate for H.R. 2681, the bill passed by the House in 1999. Therefore, I encourage the Senate to consider the bill as soon as possible, and the President sign it into law, for the sake of victims' families.

Mr. CLEMENT. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. QUINN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Passenger Disaster Family Assistance Act of 2001".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"§ 1138. Assistance to families of passengers involved in rail passenger accidents

"(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger acci-

dent within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

"(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

"(2) communicating with the families of passengers involved in the accident as to the roles of—

"(A) the organization designated for an accident under subsection (a)(2);

"(B) Government agencies; and

"(C) the rail passenger carrier involved, with respect to the accident and the post-accident activities.

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

"(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information

on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

"(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

"(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

"(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

"(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

"(g) PROHIBITED ACTIONS.—

"(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

"(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

"(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation, regardless of its cause or suspected cause.

"(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

“(3) PASSENGER.—The term ‘passenger’ includes—

“(A) an employee of a rail passenger carrier aboard a train;

“(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

“(C) any other person injured or killed in the accident.

“(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.”.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

“1138. Assistance to families of passengers involved in rail passenger accidents.”.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 251—FAMILY ASSISTANCE

“Sec.

“25101. Plans to address needs of families of passengers involved in rail passenger accidents.

“§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

“(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

“(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

“(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

“(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

“(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

“(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to

the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

“(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

“(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

“(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

“(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

“(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

“(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

“(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

“(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

“(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

“(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

“(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

“(d) DEFINITIONS.—In this section—

“(1) the terms ‘rail passenger accident’ and ‘rail passenger carrier’ have the meanings such terms have in section 1138 of this title; and

“(2) the term ‘passenger’ means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.”.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

“251. FAMILY ASSISTANCE 25101”.

The CHAIRMAN. Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents, pursuant to House Resolution 36, she reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUINN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Under clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1045

JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, pursuant to the order of the House of Tuesday, February 13, 2001, I call up the bill (H.R. 559) to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the “John Joseph Moakley United States Courthouse,” and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 559 is as follows:

H.R. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,